

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Samuel Zean

Case No. 0:17-cv-5117-WMW-KMM

Plaintiff,

v.

Comcast Broadband Security, LLC, et al.

Defendants.

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**ORDER**

Plaintiff's attorney David J. S. Madgett has filed a Motion to Withdraw as Attorney. (ECF No. 55.) For the reasons stated below, the Court finds that there is good cause pursuant to Local Rule 83.7(c), and GRANTS Mr. Madgett's Motion.

Mr. Madgett filed a Motion to Withdraw as Attorney in a separate case, *Zean v. Wells Fargo Bank, N.A.*, 17-cv-3817 (JNE/HB). (ECF No. 79.) During the hearing for the motion in that case, Plaintiffs stated on the record that they do not oppose Mr. Madgett's motion to withdraw in this case, and have consented to the Court ruling on this motion without a hearing. (Minutes, June 7, 2018, ECF No. 97.) This Order incorporates by reference the record of the June 7, 2018 hearing on the Motion to Withdraw as Attorney in *Zean v. Wells Fargo Bank, N.A.*, including the Court's reasoning for granting Mr. Madgett's motion in that case.

Defendants Comcast Broadband Security, LLC ("Comcast") and Southwest Credit Systems, L.P. ("Southwest") have each filed letters with the Court requesting that the Court withhold consideration of this Motion until a decision has been reached on Defendants' previously-filed motions to compel arbitration. (ECF Nos. 58, 59.) While the Court recognizes and acknowledges the Defendants' concerns, it nonetheless finds that good cause for withdrawal has been demonstrated in accordance with Local Rule 83.7(c). Indeed, in light of the record, the Court cannot

in good conscience force Mr. Madgett to continue as counsel for Mr. Zean, nor require Mr. Zean to remain Mr. Madgett's client.

Mr. Madgett and Mr. Zean have suffered a complete breakdown of the attorney-client relationship, as demonstrated by the many and serious allegations made by Mr. Zean against Mr. Madgett regarding a fee dispute. *See* ECF Nos. 62, 66–69 (containing allegations made by Mr. Zean against Mr. Madgett regarding billing and fees, and allegations made by Mr. Madgett against Mr. Zean regarding nonpayment of fees). These allegations alone demonstrate good cause for permitting Mr. Madgett's withdrawal. Additionally, Mr. Madgett's continued representation of Mr. Zean would likely be in violation of the Minnesota Rules of Professional Conduct. Due to Mr. Zean's allegations of fraudulent billing, Mr. Madgett's has a conflict of interest in violation of Minn. R. Prof. Conduct 1.7(a)(2). Given these circumstances, Mr. Zean's agreement to Mr. Madgett's motion to withdraw, and Mr. Madgett's conflict of interest should he continue to represent Mr. Zean, the Court finds that there is good cause to permit Mr. Madgett to withdraw pursuant to Local Rule 83.7(c).

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. Mr. Madgett's Motion to Withdraw as Attorney (ECF No. 55) is GRANTED. Mr. Zean is directed to have new counsel file a notice of appearance on or before **July 13, 2018**, or, if new counsel has not been secured, to provide an update to the Court by that date regarding whether he has obtained or is close to obtaining counsel who will appear on his behalf within a short time, or whether he intends to proceed pro se.

Date: June 14, 2018

s/ Katherine Menendez  
Katherine Menendez  
United States Magistrate Judge